

Case: 6:69-cv-07941-BB

FILED  
at Santa Fe, NM  
*JR.*

JAN 24 2011

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN  
CLERK

STATE OF NEW MEXICO, on the relation of )	
The State Engineer, )	No. 69cv 07941-BB
) )	Rio Chama Stream
Plaintiff, ) ) System	System
v. ) ) Section I (mainstream)	Section I (mainstream)
ROMAN ARAGON, et al., ) )	)
) )	)
Defendants. ) )	)

**MEMORANDUM:**

**CONVEYANCE TO THE COURT OF RIO ARRIBA BOARD OF COUNTY  
COMMISSIONERS, RIO ARRIBA COUNTY OF NEW MEXICO RESOLUTIONS  
2011-049 AND 2011-057; RESOLUTIONS THAT ARE IN SUPPORT OF THE AUGUST  
11, 1598 ESTABLISHMENT DATE OF THE ACEQUIA DE CHAMITA ONLY**

The pro se parties come before this Honorable Court to transmit for your consideration Rio Arriba Board of County Commissioners, Rio Arriba County of New Mexico Resolution 2011-049 In Support of the 1598 Establishment Date of the Acequia de Chamita, and Rio Arriba County Resolution 2011-057 a Resolution Amending Resolution 2011-049. This is being done in accordance with the Resolutions request as found in the last, Be It Further Resolved, that copies of the Resolution be transmitted to "...the U.S. District Court in Santa Fe, New Mexico (Case#: 6:69-cv-07941-BB)", "...and serve as a memorandum of support for the honorable court's assignment of the priority date of August 11, 1598 for the Acequia de Chamita only...".



**Rio Arriba  
Board of County Commissioners**

**Rio Arriba County  
Of New Mexico**

**Alfredo L. Montoya  
Chairman, District 2**

**Elias Coriz  
District 1**

**Felipe D. Martinez  
District 3**

**COUNTY MANAGER  
Tomas Campos, III**

**RESOLUTION 2011-049**

**In support of the 1598 establishment date of the Acequia de Chamita**

Rio Arriba County of New Mexico hereby recognizes the August 11<sup>th</sup> 1598 establishment date, of the “Acequia de Chamita,” located in Chamita New Mexico, formerly known “San Gabriel del Yunque” and the important cultural, social, historic, and ethno-hydraulic engineering contributions of the first acequia of this former Spanish province.

WHEREAS, on this date the colonizer, Governor and Capitan General, Don Juan de Oñate, utilizing a labor force comprised of his colonists and 1,500 Native Americans, commenced the construction on the first irrigation system in the province of Iberian-Arabic design; and,

WHEREAS, the gravity-flow earthen canal system for irrigation, constructed in the fertile triangle formed at the confluence of the Rio Chama and Rio Grande, initiated the spread of civil and social “water democracy” and served as a model for community development for thousands of civilian settlers or prolabores, throughout the Southwestern territory of what constitutes present day United States of America; and,

WHEREAS, the Acequia de Chamita, as this irrigation system has become known, is presently still in common use by the parcientes of said acequia; and,

WHEREAS, the 412 year old history of the Acequia de Chamita establishes it as the oldest Euro-Arabic water management system still in use within the United States; and,

WHEREAS, numerous historical documents support the assertion of the 1598 establishment date of the Acequia de Chamita; and,

WHEREAS, pursuant to The Laws of the Indies signed by King Phillip II, in part of which provided Spanish colonists with a set of guidelines to create and expand towns in Spanish America. Following previous ordinances instructing the layout of the town and division of property, Ordinance number 131 and 132 instructs the settlers to plant their seeds and make arrangements for the cattle in order to obtain abundant food. It is logical to assume they created an irrigation system and plowed and prepared the land prior to the planting. Following this activity, only then would construction commence on the settlers homes. In San Gabriel, there was existing housing that would allow more time for agricultural activities; and,

RIO ARRIBA COUNTY CLERK  
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WHEREAS, the map created by Enrico Martinez in 1602, depicts Oñate's settlement of "Sama" at San Gabriel del Yunque. This community would later become known as Chamita and their acequia as the Acequia de Chamita; and,

WHEREAS, in the 1602 "Monarquín Indiana" authored by the seventeenth century Franciscan scholar, Fray Juan de Torquermada, comments about the importance of the results of the newly introduced form of agricultural irrigation, the acequia system into the province of New Mexico. He further describes the settlement of San Gabriel de Yunque as being located between the two rivers of the Rio Chama and Rio Grande, and that diverted river water into the Acequia de Chamita irrigated fields of wheat, barley and corn and within the settlement proper, irrigated the garden plots where the rest of the food crops were produced; and,

WHEREAS, a plat portraying the Town of Chamita Grant which was surveyed by U.S. Surveyors Sawyer and McElroy in March 1877 indicates the Acequia de Chamita commencing from the Rio Chama and emptying back into the Rio Chama; and,

WHEREAS, since it was originally constructed few changes are seen today along the four-mile course of the Acequia de Chamita, notably, replacement of the earthen diversion dam by a concrete diversion, installation of relatively modern head gates and a change of the point of egress into the Rio Grande rather than the Rio Chama; and,

WHEREAS, several modern documents support our claim for an establishment date of Aug 11th 1598 and the importance of said claim; and,

WHEREAS, the Rio Chama Acequia Acequia Association, Medanales New Mexico, commissioned a report by Dr. Stanley Hordes titled, "Historical Abstracts of Acequias along the Lower Rio Chama which was produced in 1992. The purpose of this report was to "...establish defensible dates" for 26 acequias along the Rio Chama. For one of these acequias, the Acequia de Chamita, he assigned the priority date of 1598. This report and the facts concerning the Acequia de Chamita were accepted by the acequia in good faith; and,

WHEREAS, site records survey (la 100724) completed by the New Mexico State Highway and Transportation Department in 1994 and another survey completed by the Army Corps of Engineer in 1995, both note the historic importance of the Acequia de Chamita and recommend the acequia for inclusion on the national register of historic places; and,

WHEREAS, the legal description of the location of the Acequia de Chamita is in the bylaws of the acequia, states that the Acequia de Chamita provides irrigation water from the Rio Chama for the parcientes of the communities. It further states that the point of diversion from the Rio Chama, in Bartoleme Sanchez Grant, is located approximately 1.5 miles Northwest from the junction of U.S. Highway 258 and State Road 74, New Mexico coordinates system, central time zone X=536,60 and Y=1,850,000. The ditch is approximately 4 miles long and empties into the Rio Grande at a point of the Northwest corner of the historic San Juan- Rio Grande Bridge.

RIO ARRIBA COUNTY CLERK  
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P.O. Box 127 \* Tierra Amarilla, New Mexico 87575 \* Phone (575) 588-7254 \* Fax (575) 588-7810  
Espanola Annex \* 1122 Industrial Park Road \* Espanola, New Mexico 87532 \* Phone (505) 753-2992 \* Fax (505) 753-9397

NOW, THEREFORE, BE IT RESOLVED BY RIO ARRIBA COUNTY, hereby gives recognition to the social, cultural, historic and ethno-hydraulic engineering importance and long-lived contribution of the Acequia de Chamita to Rio Arriba County and the State of New Mexico.

BE IT FURTHER RESOLVED, the County recognizes and supports the Acequia de Chamita bylaws document filed in the County, that state this acequia was established on August 11, 1598 (US district Court of NM (case#6:69-cv 07941-BB) Doc # 9657, filed 3/31/2010, pg 13-147B: Exhibit 1, Bylaws document filed in Rio Arriba County with seal on June 28, 2004); and,

BE IT FURTHER RESOLVED, that Rio Arriba County recognizing the establishment date of the Acequia de Chamita as August 11, 1598 and that the State of New Mexico assigned priority date should coincide; and,

BE IT FURTHER RESOLVED, that Rio Arriba County of New Mexico recognizes the Acequia de Chamita importance and therefore supports the evidence and exhibits of the Acequia de Chamita establishment date of August 11, 1598 as is reported and filed in the United States District Court of New Mexico Document # 9657, filed 3/31/2010; and,

BE IT FURTHER RESOLVED, that Rio Arriba supports that any and all of the provisions of the Treaty-of Guadalupe pertinent to the Acequia de Chamita claims be enforced; and,

BE IT FURTHER RESOLVED, that copies of the resolution be transmitted to the Comision and Mayordomo of the Acequia de Chamita, the Rio Chama Acequia Association, the New Mexico Acequia Association, the state historical preservation office, and serve as a memorandum of support for the honorable court's assignment of the priority date of August 11, 1598 for the Acequia de Chamita only. A copy to be sent to the US District Court in Santa Fe, New Mexico (case#: 6:69-cv 07941-BB); and,

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ASSED, ADOPTED AND APPROVED THIS 8<sup>th</sup> day of December 2010.  
RIO ARRIBA BOARD OF COUNTY COMMISSIONERS

Alfredo L. Montoya  
Alfredo L. Montoya, Chairman/Commissioner, District II

Elias Coriz  
Elias Coriz, Commissioner, District I

Felipe D. Martinez, Commissioner District III

ATTEST:

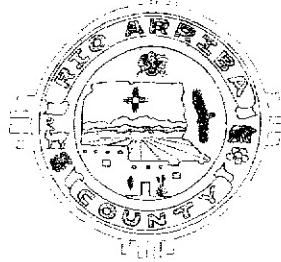
Moises A. Morales Jr.  
Moises A. Morales Jr., County Clerk

CERTIFICATE OF FILING

I, Moises A. Morales, Jr, County Clerk: do hereby certify that the foregoing Resolution designated as Resolution 2010-049 was filed in my office on the 21 day of Dec in Book Number 533 pg 6821

Moises A. Morales Jr, COUNTY CLERK

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**Rio Arriba  
Board of County Commissioners**

Alfredo L. Montoya  
Chairman, District 2

Barney Trujillo  
District 1

Felipe D. Martinez  
District 3

**RESOLUTION 2011-057  
A RESOLUTION AMENDING RESOLUTION 2011-049**

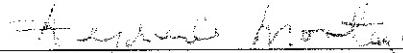
COUNTY MANAGER  
Tomas Campos, III

WHEREAS, pursuant to The Laws of the Indies signed by King Phillip II, in part of which provided Spanish colonists with a set of guidelines to create and expand towns in Spanish America. Following previous ordinances instructing the layout of the town and division of property, Ordinance number 131 and 132 instructs the settlers to plant their seeds and make arrangements for the cattle in order to obtain abundant food. It is logical to assume they created an irrigation system and plowed and prepared the land prior to the planting. Following this activity, only then would construction commence on the settlers homes. In San Gabriel, there was existing housing that would allow more time for agricultural activities; and,

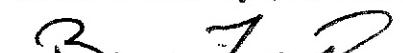
BE IT FURTHER RESOLVED that Rio Arriba supports that any and all of the provisions of the 1848 Treaty of Guadalupe-Hidalgo pertinent to the Acequia de Chamita claims be enforced.

**NOW, THEREFORE BE IT RESOLVED** that Rio Arriba County adopts this amendment as presented.

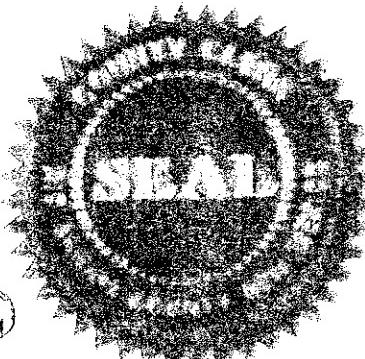
**PASSED, ADOPTED AND APPROVED THIS 7<sup>th</sup> day of January 2011.**  
**RIO ARRIBA BOARD OF COUNTY COMMISSIONERS**

  
**Alfredo L. Montoya, Chairman/Commissioner, District II**

December 29, 2010 County  
Commission Meeting Postponed  
until Friday, January 07, 2011

  
**Barney Trujillo, Commissioner, District I**

  
**Felipe D. Martinez, Commissioner District III**

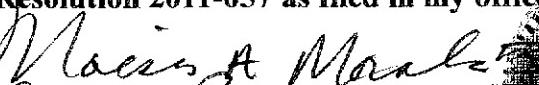


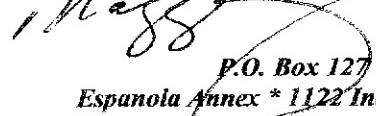
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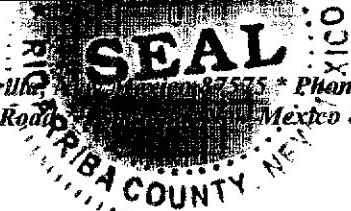
  
**Moises A. Morales Jr., County Clerk**

**CERTIFICATE OF FILING**

I, Moises A. Morales, Jr, County Clerk: do hereby certify that the foregoing Resolution designated as Resolution 2011-057 as filed in my office on the 7<sup>th</sup> day of January in Book Number 534 page 101

  
**Moises A. Morales Jr., COUNTY CLERK**

  
P.O. Box 127 \* Tierra Amarilla, New Mexico 87575 \* Phone (505) 534-2011  
Espanola Annex \* 1122 Industrial Park Road \* Espanola, New Mexico 87533



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**Rio Arriba  
Board of County Commissioners**

**Rio Arriba County  
Of New Mexico**

Alfredo L. Montoya  
Chairman, District 2

Elias Coriz  
District 1

Felipe D. Martinez  
District 3

**COUNTY MANAGER**  
Tomas Campos, III

**RESOLUTION 2011-049**

**In support of the 1598 establishment date of the Acequia de Chamita**

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WHEREAS, on this date the colonizer, Governor and Capitan General, Don Juan de Oñate, utilizing a labor force comprised of his colonists and 1,500 Native Americans, commenced the construction on the first irrigation system in the province of Iberian-Arabic design; and,

WHEREAS, the gravity-flow earthen canal system for irrigation, constructed in the fertile triangle formed at the confluence of the Rio Chama and Rio Grande, initiated the spread of civil and social "water democracy" and served as a model for community development for thousands of civilian settlers or probadores, throughout the Southwestern territory of what constitutes present day United States of America; and,

WHEREAS, the Acequia de Chamita, as this irrigation system has become known, is presently still in common use by the parcientes of said acequia; and,

WHEREAS, the 412 year old history of the Acequia de Chamita establishes it as the oldest Euro-Arabic water management system still in use within the United States; and,

WHEREAS, numerous historical documents support the assertion of the 1598 establishment date of the Acequia de Chamita; and,

WHEREAS, pursuant to The Laws of the Indies signed by King Phillip II, in part of which provided Spanish colonists with a set of guidelines to create and expand towns in Spanish America. Following previous ordinances instructing the layout of the town and division of property, Ordinance number 131 and 132 instructs the settlers to plant their seeds and make arrangements for the cattle in order to obtain abundant food. It is logical to assume they created an irrigation system and plowed and prepared the land prior to the planting. Following this activity, only then would construction commence on the settlers homes. In San Gabriel, there was existing housing that would allow more time for agricultural activities; and,

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RIO ARIBA COUNTY CLERK  
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WHEREAS, the map created by Enrico Martinez in 1602, depicts Oñate's settlement of "Sarma" at San Gabriel del Yunque. This community would later become known as Chamita and their acequia as the Acequia de Chamita; and,

WHEREAS, in the 1602 "Monarquin Indiana" authored by the seventeenth century Franciscan scholar, Fray Juan de Torquemada, comments about the importance of the results of the newly introduced form of agricultural irrigation, the acequia system into the province of New Mexico. He further describes the settlement of San Gabriel de Yunque as being located between the two rivers of the Rio Chama and Rio Grande, and that diverted river water into the Acequia de Chamita irrigated fields of wheat, barley and corn and within the settlement proper, irrigated the garden plots where the rest of the food crops were produced; and,

WHEREAS, a plat portraying the Town of Chamita Grant which was surveyed by U.S. Surveyors Sawyer and McElroy in March 1877 indicates the Acequia de Chamita commencing from the Rio Chama and emptying back into the Rio Chama; and,

WHEREAS, since it was originally constructed few changes are seen today along the four-mile course of the Acequia de Chamita, notably, replacement of the earthen diversion dam by a concrete diversion, installation of relatively modern head gates and a change of the point of egress into the Rio Grande rather than the Rio Chama; and,

WHEREAS, several modern documents support our claim for an establishment date of Aug 11th 1598 and the importance of said claim; and,

WHEREAS, the Rio Chama Acequia Acequia Association, Medanales New Mexico, commissioned a report by Dr. Stanley Hordes titled, "Historical Abstracts of Acequias along the Lower Rio Chama which was produced in 1992. The purpose of this report was to "...establish defensible dates" for 26 acequias along the Rio Chama. For one of these acequias, the Acequia de Chamita, he assigned the priority date of 1598. This report and the facts concerning the Acequia de Chamita were accepted by the acequia in good faith; and,

WHEREAS, site records survey (la 100724) completed by the New Mexico State Highway and Transportation Department in 1994 and another survey completed by the Army Corps of Engineer in 1995, both note the historic importance of the Acequia de Chamita and recommend the acequia for inclusion on the national register of historic places; and,

WHEREAS, the legal description of the location of the Acequia de Chamita is in the bylaws of the acequia, states that the Acequia de Chamita provides irrigation water from the Rio Chama for the parcientes of the communities. It further states that the point of diversion from the Rio Chama, in Bartolome Sanchez Grant, is located approximately 1.5 miles Northwest from the junction of U.S. Highway 258 and State Road 74, New Mexico coordinates system, central time zone X=536,60 and Y=1,850,000. The ditch is approximately 4 miles long and empties into the Rio Grande at a point of the Northwest corner of the historic San Juan- Rio Grande Bridge.

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RIO ARIBA COUNTY CLERK  
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BY MAGGIE

NOW, THEREFORE, BE IT RESOLVED BY RIO ARRIBA COUNTY, hereby gives recognition to the social, cultural, historic and ethno-hydraulic engineering importance and long-lived contribution of the Acequia de Chamita to Rio Arriba County and the State of New Mexico.

BE IT FURTHER RESOLVED, the County recognizes and supports the Acequia de Chamita bylaws document filed in the County, that state this acequia was established on August 11, 1598 (US district Court of NM (case#6:69-cv-07941-BB) Doc # 9657, filed 3/31/2010, pg 13-147B: Exhibit 1, Bylaws document filed in Rio Arriba County with seal on June 28, 2004); and,

BE IT FURTHER RESOLVED, that Rio Arriba County recognizing the establishment date of the Acequia de Chamita as August 11, 1598 and that the State of New Mexico assigned priority date should coincide; and,

BE IT FURTHER RESOLVED, that Rio Arriba County of New Mexico recognizes the Acequia de Chamita importance and therefore supports the evidence and exhibits of the Acequia de Chamita establishment date of August 11, 1598 as is reported and filed in the United States District Court of New Mexico Document # 9657, filed 3/31/2010; and,

BE IT FURTHER RESOLVED, that Rio Arriba supports that any and all of the provisions of the Treaty-of Guadalupe pertinent to the Acequia de Chamita claims be enforced; and,

BE IT FURTHER RESOLVED, that copies of the resolution be transmitted to the Comision and Mayordomo of the Acequia de Chamita, the Rio Chama Acequia Association, the New Mexico Acequia Association, the state historical preservation office, and serve as a memorandum of support for the honorable court's assignment of the priority date of August 11, 1598 for the Acequia de Chamita only. A copy to be sent to the US District Court in Santa Fe, New Mexico (case#: 6:69-cv 07941-BB); and,

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RIO ARRIBA COUNTY CLERK  
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BY MAGGIE

PASSED, ADOPTED AND APPROVED THIS 8<sup>th</sup> day of December, 2010.  
RIO ARRIBA BOARD OF COUNTY COMMISSIONERS

Alfredo L. Montoya  
Alfredo L. Montoya, Chairman Commissioner, District II

Elias Coriz  
Elias Coriz, Commissioner, District I

Felipe D. Martinez, Commissioner District III

ATTEST:

Moises A. Morales Jr.  
Moises A. Morales Jr., County Clerk

CERTIFICATE OF FILING

I, Moises A. Morales, Jr, County Clerk: do hereby certify that the foregoing Resolution designated as  
Resolution 2010-049 was filed in my office on the 21 day of Dec in Book Number 533 pg 6821

Moises A. Morales Jr, COUNTY CLERK

RIO ARRIBA COUNTY CLERK  
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BY MAGGIE

Case: 6:69-cv-07941-BB

**Respectfully submitted,**

David Ortiz

(Signature of Defendant)

David Ortiz, (Doc. Nos. 9591; 9585; 9657)

DAVID ORTIZ

(Printed name of Defendant)

P O BOX 1082

(Street address or P.O. Box)

SAN JUAN PUEBLO, NM 87566

(City, State and Zip Code)

**Respectfully submitted,**

Eloy J Garcia

(Signature of Defendant)

Eloy J. Garcia, (Doc. Nos. 9590; 9584; 9657; 9717)

Eloy J Garcia

(Printed name of Defendant)

P.O. Box San Juan, N.M.

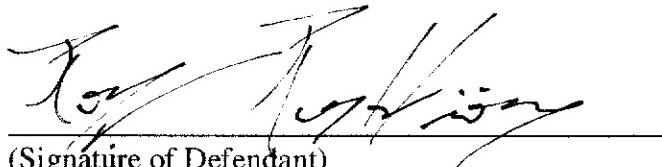
(Street address or P.O. Box)

87566

(City, State and Zip Code)

Case: 6:69-cv-07941-BB

**Respectfully submitted,**



(Signature of Defendant)

Ron W. Rundstrom, (Doc. Nos. 9592; 9586; 9757; 9717)

Ron W. RUNDSTRÖM

(Printed name of Defendant)

P. O. Box 1791

(Street address or P.O. Box)

ESPAÑOLA, NEW MEXICO 87532

(City, State and Zip Code)